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We are seeking a restoration of representative government throughout Pakistan. It will be most unfortunate if the House which for so many years has had a sound understanding of world problems, should now attempt to dictate that our Nation turn its back on the problems of the people of Pakistan. If we drive this country away, they will again turn elsewhere for friends and we once again will have done great damage to our own interests and to the interests of world freedom.

Mr. BRAY. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. BRAY. I should like to call the attention of the House to the amendment relating to Pakistan, that is found in section 302. This amendment calls for the suspension of all aid to Pakistan, even to "Agricultural commodities—for cash." I was not aware of the amendment until I read the bill today and discovered that what the committee has done is to take a very definite side in the Pakistani matter as between Pakistan and India. It is very clear that India is involved in this Pakistani trouble, whether to the same degree, more or less, as Pakistan I do not know. But there is no mention made as to India; yet there is a definite attack on Pakistan. Unless this committee had information which I have been unable to get—and I have been studying the matter for some time—it certainly ill behooves our country to take a definite stand against Pakistan long a friend of the United States. I am well aware that the situation in East Pakistan is terrible, but only the main doubt that has increased this worsening situation, and desires an East Pakistan separate from West Pakistan, for reasons that we can only surmise. I do not want any part of this action against Pakistan and Pakistan alone.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. I believe that nowhere in any record or in any report, including the World Bank or otherwise, has it been indicated that India has any kind of hand in this. I recently returned from India, from West Bengal. The problem is very pronounced there. There are over 7 million refugees, driven out of Pakistan by the Pakistani army into India. India is not asking for those people. They are not asking for territory. They certainly have enough people and enough territory of their own. What India is doing is feeding those people, trying to cure them of the various diseases that they bring. I have seen hospital after hospital in which India is taking care of them. India has no role in it whatsoever except in an extremely humanitarian role that should be the world community role.

So I think it is rather unfair to say that India should be equated in the same terms as the regime in Pakistan.

Mr. BRAY. I have no objection insofar as assisting the refugees to whom the gentleman referred. I believe that that should be done, but I believe we are taking a one-sided view of the matter. I do not pretend to be an expert on either

Pakistan or India. I have been in both countries, but not been in Pakistan. House will live to rue the day that we took such a definite stand on this matter, a stand that can, if we continue, may involve our country in a horrible involvement.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding. I do think the relations between India and Pakistan are a very significant element in the tragic situation, as the gentleman from New Jersey has pointed out. There are millions of Pakistani refugees in India, and that imposes severe burdens on that country. I think because of the past unhappy relationship between the two countries, because there is this tragic load on India, that the United States needs to move with caution with respect to the relationship between the two countries in the suspension of aid or the prohibition of aid to Pakistan.

As I indicated earlier, it does seem to me that economic assistance may be needed, and not only in India, but in Pakistan, if we are to have any kind of stability, if we are to help starving people, and if we are to encourage the return of the refugees to their homes.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REID of New York: Page 12, line 13, strike out the quotation marks and the period immediately following such quotation marks.

Page 13, after line 13, insert:

"(x) No assistance shall be furnished under this Act to any nation for programs which encompass the assassination or torture of persons, or which violate the standards set forth in the Geneva Conventions."

Mr. REID of New York. This amendment is simple, I believe. It is directed to insuring that there are no programs through which the United States provides funds to any nation which encompasses as a program, the assassination or torture, or programs which violate the standards set forth in the Geneva Conventions.

More explicitly, my amendment would require that no U.S. funds would be furnished to programs which are characterized by a pattern of assassination or torture or other violations of the Geneva Conventions, to which the United States is a signatory. It would cut off assistance only to those programs of a nation which were characterized by such abuses, but would not deny funds to worthy programs being carried out by that nation.

This amendment is prompted primarily by the outrageous abuses which have taken place under the Phoenix program in South Vietnam.

Mr. Chairman, we have had testimony before the House Subcommittee on Foreign Operations and Government Information last month, from Ambassador William Colby, former Director of CORDS, and from a number of other persons which relate to some activities of Phoenix, which, in my judgment are violative, at the time they took place, of

the Geneva Conventions. The United States is on record as being a signatory to the four Geneva Conventions, which clearly proscribe and preclude such activities.

We have had testimony from eyewitnesses that clearly indicates that there have been in the past, not in the immediate present, but in the past, immediate neutralization, termination with extreme prejudice, assassination, and torture ending in death. For those who saw page 2 of the Washington Post this morning, they will see some of the details of the latest testimony, and there is a similar story by Mary McGrory in the Washington Star tonight. Unfortunately it has been a record of testimony that I think is clear, and this is the reason why we think the bill before us should be explicit with regard to our use of funds in connection with anything that is violative of the Geneva Conventions.

I might mention parenthetically, that Ambassador Colby has pointed out that under the Phoenix program to date, while 28,000 persons have been captured of the Vietcong infrastructure, over 20,587 have been killed.

The thrust of this amendment is not against the rallying or the bringing over to the side of the Saigon Government those in the Vietcong infrastructure. Our concern is with practices that are clearly violative of the conventions.

Mr. Chairman, let me explain the Phoenix program in more detail.

The Phoenix program is a program of the GVN, heavily supported by the United States, whose stated purpose is to "eliminate" or "neutralize" the Vietcong infrastructure—VCI. Such "neutralization" or "elimination" is accomplished in any one of three ways: Rallying; that is, inducing the VCI to surrender or come over to the government side voluntarily—capture and sentencing, or killing.

In testimony before the House Subcommittee on Foreign Operations and Government Information last month, Ambassador William Colby, former director of CORDS, the agency in Vietnam which administers U.S. support to Phoenix, stated that since the beginning of 1968 until May 1971, a total of 20,587 persons have been killed under the Phoenix program. In the same period, 28,978 have been captured.

The VCI are officially defined as the "leadership apparatus" of the Vietcong insurgency. They are nearly all civilians, including many women. Members of VC village, district, and province committees, for example, are classified as VCI. In most cases they do not qualify for "prisoners of war" status when captured. Thus Phoenix is aimed not at the elimination of armed combatants, but at the elimination of unarmed, noncombatant civilians. By analogy, if the Union had had a Phoenix program during our Civil War, its targets would have been civilians like Jefferson Davis or the mayor of Macon, Ga.

The abuses and inhumaneness perpetrated by the Phoenix program make it imperative that we cease to support it at once and do everything in our power to have the GVN stop the program dead in its tracks. Under Phoenix, civilians iden-

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tified as VCI have been assassinated without any semblance of judicial process. Ambassador Colby has acknowledged this, although he states that the United States is endeavoring to prevent its recurrence. Persons detained under the Phoenix program can be incarcerated for up to 2 years without trial under a South Vietnamese law known as the An Tri Law, again without any semblance of due process. Ambassador Colby admitted that under this law a Phoenix detainee could be jailed without a trial, without right to counsel, and without adequate protection of his rights "under our concept of due process." Torture of detainees during interrogation is another hallmark of the Phoenix program. Specific instances of torture have been described under oath by witnesses before the subcommittee. Theodore Jacqueney, a former AID official in Vietnam testified:

In every province in Vietnam there is a Province Interrogation Center—a "PIC"—with a reputation for using torture to interrogate people accused of Viet Cong affiliations. These PICs have a CIA counterpart relationship, and in some cases also have a relationship with the AID police advisor.

Mr. Jacqueney went on to describe a instance of torture, known as the "rock and roll," of which he had knowledge. Reports of such torture have come from others as well, and they simply cannot be ignored or downplayed.

At least as shocking as the assassinations, torture, and drumhead incarceration of civilians under the Phoenix program is the fact that in many cases the intelligence is so bad that innocent people are made victims. Yesterday two former military intelligence personnel in Vietnam, Michael Uhl and Barton Osborne, testified that virtually all information identifying an individual as a VCI is unverifiable and frequently completely unreliable. Both described motives of financial gain, and sometimes pure personal vindictiveness, as factors causing Vietnamese intelligence agents to give information about an individual. Ambassador Colby admitted this problem. In response to the question, "Are you certain that we know a member of the VCI from a loyal member of the South Vietnam citizenry?"

Mr. Colby stated:
No. . . . I am not.

Who knows how many innocent people have been assassinated or tortured in the name of the Phoenix program?

Not only Phoenix, but any program or activity conducted by a foreign nation which involves assassination, torture, or other mistreatment of civilians, or which violates the standards of the Geneva Conventions, should not receive the support of the United States. I have described Phoenix as an egregious example. Wherever other examples may exist, they too must be cut off from U.S. support. We cannot hold our heads high as a nation if we continue to condone and support programs such as this.

Mr. MORGAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I should like to address a question to the author of this amendment. I knew the subcommittee of the Committee on Government Operations,

which the gentleman is a member, has been holding hearings. The amendment came as a surprise to the committee. I suggest the gentleman's subcommittee should hold further hearings and develop the case more precisely.

It worries me that we should add to section 620 of this bill another limitation which will be very difficult to administer.

The way I read the amendment, it says that no assistance shall be furnished under this Act to any nation for programs which encompass the assassination, torture of civilians, or which violate the standards set forth in the Geneva Conventions.

To me that language is somewhat vague. It worries me that we might be buying a pig in a poke here.

I have no strong feelings. If the subcommittee would develop something and put it in a bill form, along these lines, it will be considered. We have in our programs many former projects which could bring us into violation under this limitation.

What worries me is that perhaps a group of tourists in any country might do a couple of assassinations, and under this amendment we might upset our whole aid program.

I am not so completely opposed to this. I believe the subcommittee on which the gentleman from New York serves should hold further hearings and develop some legislation, and I can promise him it will receive some consideration.

Mr. REID of New York. The chairman very kindly asked me to comment.

First, Mr. Chairman, the thrust of this amendment is to say that U.S. funds should not go to any nation which is carrying out activities in violation of the Geneva Conventions, to which we are a signatory. If we are in fact doing that now we are in violation of international law which should be supreme in matters of this kind.

The only two specifics which go beyond the Geneva Conventions mentioned in the amendment are the assassination and torture, but they are covered by an additional phrase dealing with a program, a program of assassination or a program of torture.

I do not think any person or his spouse would argue for a program of assassination or a program of torture.

Quite frankly, Mr. Chairman, both of those are explicitly prescribed and covered in the Geneva Conventions. All I am trying to do is to put this House on record to show a sense of concern that we will uphold the Geneva Conventions to the extent our funds are utilized.

Mr. MORGAN. I wonder if the gentleman would explain to the House who would make the determination under his amendment?

Mr. REID of New York. I would think the Secretary of State would make this determination.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Reid).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. REID of New York. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected. The Clerk will read. The Clerk read as follows:

Sec. 303. Section 624 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to statutory officers, is amended by adding at the end thereof the following new subsection:

"(e) In addition to the officers otherwise provided for in this section, the President shall appoint, by and with the advice and consent of the Senate, one officer for the purpose of coordinating security assistance programs. Such officer shall receive compensation at the rate provided for level III of the Executive Schedule established by section 5314 of title 5, United States Code."

AMENDMENT OFFERED BY MR. ROUSH

Mr. ROUSH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROUSH: Page 13, after line 24, insert the following:

Sec. 304. Section 634 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to reports and information, is amended by adding at the end thereof the following new subsection:

"(1) The presentations to the Congress of assistance proposed to be furnished under part I of this Act, and under chapter 4 of part II of this Act, shall not be classified as 'Secret', or bear any other similar security classification. All information concerning assistance furnished under such part I, and under such chapter 4 of part II, before or after the date of enactment of this subsection, shall be freely available to the public. Nothing in this subsection shall be construed to require that military information be made public."

And renumber the following sections accordingly.

(Mr. ROUSH asked and was given permission to revise and extend his remarks.)

Mr. ROUSH. Mr. Chairman, considering the lateness of the hour and considering the mood of the House, I am inclined to believe that the brevity of my remarks will perhaps be more persuasive than the justice of my cause. With that in mind, let me get right to the thrust of this amendment.

This amendment requires that the presentations to the Congress of assistance proposed to be furnished under part I of the Act and chapter 4(c), part II, shall not be classified.

Now, we should keep a couple of things in mind.

First of all, the amendment excludes military assistance. Second, what this amendment does is to put a stamp of approval on that which is already being done.

I first offered this amendment 11 years ago when the only two Members of this House who had long hair were our colleague from Illinois, Mr. ARENS, and our late departed colleague from South Carolina, Mr. Rivers. At that time this House was in no mood to accept that. On that occasion the chairman of the committee assured the House that the committee was going diligently to pursue the matter of declassification. This year for the first time the economic assistance program presentations are not classified. What I am asking the House to do is to put its stamp of approval on what the Administration has already done, namely, I am asking the House to give the force of law to that which has already been

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PHOENIX PROGRAM DETAILS

'Sterile, Depersonalized Murder' Plan

By MARY McGRORY
Star Staff Writer

In 1968, when he was 21, K. Barton Osborn, a reddish-haired young man with long sideburns and a quick mind, was a big operator, James Bond style in Da Nang, South Vietnam.

He was only a PFC, but 50 Vietnamese agents were in his

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network, and he had no superior officers to report to, and nobody questioned him. He used a cover name and had four separate sets of papers identifying him as a civilian with the Department of the Army, a GS-9 with AID, an infantry lieutenant and a sergeant, E-5.

He got his pay from an Army captain wearing civilian clothes who passed it to him under the table at a Navy Officers Club.

He had been trained at intelligence school in "illegal but condoned" methods of under-cover work at Fort Holabird, and he never heard of the Geneva Convention and the treatment of civilians which he still confuses with the Geneva Accords, which in



—United Press International

Barton Osborn (right) and Michael Uhl.

1954 were supposed to end the Vietnam war.

His agents fingered villages and villagers for extinction, the former by B-52 strikes and artillery fire, the latter by death, often after torture.

A major at the Central Intelligence Agency operation headquarters in Da Nang provided him with unlimited funds for "incentive gifts" to his agents—cigarettes, whiskey, and for his principal agent—whom he was subsequently instructed to eliminate with extreme prejudice (he refused)—a motorcycle.

The major at the CIA was the coordinator for the Phoenix program, a grisly operation which the House subcommittee on Foreign Government Operations is desperately trying to uncover and stop.

According to Ambassador William J. Colby, until recently in charge of the parent program, the Civil Operations and Rural Development Support, run jointly by the U.S. and South Vietnam, the purpose of the exercise is "to provide

permanent protection" for the villagers.

Permanent protection of a sort has been conferred on 20,578 Vietnamese. At least it is permanent. 20,578 have been killed under the program. This year, through May, the State Department admitted reluctantly, 3,630 have died. One is reminded of the official report of May Lai—in which it was recounted that the "civilians had been assisted to safety."

Osborn, who is now a student at American University, says that Phoenix is nothing but "a sterile, depersonalized murder program."

Abuses Admitted

Colby, testifying before the committee on July 19, cautiously conceded "unjustifiable abuses," since corrected by the two governments. Osborn and a fellow rebuttal witness, former 1st Lt. Michael J. Uhl, say the program has been "intensified" under Vietnamization.

Colby was categorical about one thing: Americans play only a supporting minor role in the bloody business. They help with the "collection of information against V.C. suspects, with the filling out of dossiers," and "working out techniques" for the handling of them.

"The American," Colby said emphatically, "would not be the man who reached out and grabbed the fellow."

But the Americans, according to Osborn, gave the orders and not only grabbed the fellow, but pulled the trigger.

A Marine first lieutenant gave the order to push a Vietnamese detainee, beaten and bound, out the door of a helicopter flying over Da Nang. This was what was called "an

aberration," Osborn said, "but twice."

He watched a Vietnamese woman starved to death in a cage at a Marine interrogation center. When he inquired about her, he was told "she had died of malnutrition."

He saw a prisoner, who had had a dowel driven into his ear — they hit the brain too soon and killed him. "They were embarrassed," he said.

Osborn's Chinese interpreter, a woman, was shot, casually, in the back of the neck by an Army captain, who yearned to be an agent handler, and thought the woman was "dangerous." The incident was not reported. "She was only a slope," the captain said afterwards.

As for the process of detention, interrogation, trial and disposition described in detail by Ambassador Colby, neither Osborn nor Uhl had ever seen it happen.

"I never knew of a detainee to leave the interrogation center," said Osborn. "The majority were tortured to death."

He never tried to tell a superior officer. He knew they didn't want to know of the atrocities occurring in the field.

Congress hasn't wanted to know either. Uhl and Osborn told their stories to an ill-attended meeting called by the Commission for the Inquiry into U.S. War Crimes last winter. They told them again to Rep. Ron Dellums "informal" hearings on atrocities right after the Vietnam Veterans Against the War held their encampment.

The hearings before Rep. William E. Moorhead's subcommittee were the first legitimate forum granted them. If Moorhead and the other indignant doves — among them Ogden Reid, R-N.Y., and Paul J. McCloskey, R-Calif. — try to go higher and call the commanding officers, they will run into jurisdictional problems with the House Armed Services Committee. If they call AID and State Department officials they will be told that they knew nothing of such abuses and that besides, atrocity is not the "official policy" of the U.S. — in sharp distinction to "the other side." Reid says that it's hard to tell the difference, really, between their terror and ours.

THE EVENING STAR

Washington, D. C., Tuesday, August 3, 1971

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Ex-Agent Tells of Military Murders in Vietnam

WASHINGTON POST 3 August 1971 P3

By Daniel Rapoport
United Press International

Testifying under oath, a former U.S. military intelligence agent yesterday described torture and killing of Vietnam suspects by Americans, including the deliberate starvation of one woman and the fatal shooting of his own interpreter by a U.S. Army captain.

"They all died," K. Barton Osborn said of suspects brought into U.S. interrogation centers with his knowledge during the 15 months he served in Vietnam. Asked by newsmen later to estimate the number of deaths, Osborn replied: "Several hundred."

Osborn, now a graduate student at American University, testified before the Foreign Operations and Government Information Subcommittee of the House Government Operations Committee.

He and a second witness were believed to be the first

Vietnam veterans to publicly testify under oath before an open congressional subcommittee on specific allegations of torture and murder by U.S. government personnel.

He said he also saw his female interpreter, a Chinese woman who lived in his hut, shot to death by a U.S. Army captain as she returned to Osborn's home from lunch.

Osborn said he did not intend to kill him. Osborn said he did not report any of the incidents because his role was secret and his activities—while he advised investigations of alleged South Vietnamese corruption—were illegal.

Osborn said he served in Vietnam as an Army private 1st class from September, 1967, to December, 1968. As an intelligence agent, he said, he operated out of Danang, posing as a civilian employee of the Agency for International Development and supervising about 20 Vietnamese agents.

Osborn said he would prefer not to name any of the U.S. personnel involved in the alleged atrocities. The subcommittee chairman, Rep. William Moorhead (D-Pa.), said he wanted no names cited in an open session.

However, Osborn said most of the acts he described were committed by personnel of the U.S. interrogation group at the Danang Marine base.

He said a Vietnamese woman was locked in a cage at the unit and given no food. She starved to death, he said. Another "detainee," he said, was killed by having a dove driven into his ear and "tapping his brain." He said the Marines who did it were not

turning the man but said they did not intend to kill him. Osborn said he did not report any of the incidents because his role was secret and his activities—while he advised investigations of alleged South Vietnamese corruption—were illegal.

Sisco and Israelis Confer Again in Tight Security

NEW YORK TIMES 3 August 1971 P3

JERUSALEM, Aug. 2 — The three-hour meeting between Assistant Secretary of State for Near Eastern and South Asian Affairs, Joseph J. Sisco, held a second working meeting today with Premier Golda Meir and other top Israeli policymakers.

It was significant that a Cabinet meeting scheduled for tomorrow was canceled after today's talk with Mr. Sisco. The next meeting is to be held Sunday.

Itinerary was disclosed, but it seemed a good guess that Mr. Sisco would be taken to the Suez Canal area to judge for himself the security implications of an interim agreement with Egypt. The canal has been closed since the 1967 Arab-Israeli war.

That a new diplomatic initiative to reopen the Suez Canal is being worked out.

Mr. Sisco and Mr. Meir and Foreign Minister Abba Eban, who also conferred with Mr. Sisco last Friday, Defense Minister Moshe Dayan and Deputy Prime Minister Yisrael Alon joined today's discussion, along with the joint secretaries.

Mr. Sisco has been scheduled for a second meeting with Mr. Meir on Wednesday.

Israeli officials were grateful that no detailed leaks of the first round of talks had

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